DEAN BYRN

Randy Caplan—Professor Robert Byrn has been appointed Associate Dean of the law school. His duties include the management of academic matters and implementation of committee recommendations.

"Fordham has grown to the point where there has to be someone under the dean responsible for academic affairs," said Dean Byrn. "However," he added, "it should be noted that my responsibilities are not independent from those of Dean Feerick. There are important policy issues on which only Dean Feerick can decide.

Dean Byrn is not unfamiliar with the position. Last year he was acting Associate Dean. "I felt it would be too awesome to succeed Joe Crowley, the first Associate Dean of the law school immediately. I acted as Associate Dean last year on a trial basis," said Byrn.

Dean Byrn hopes to continue Dean Crowley's contribution of bringing "outstanding courses and adjuncts to the curriculum." He hopes to organize the curriculum so that "students can look at a coherent sequence of courses and determine which ones to take."

CHANGE THE ELECTION LAWS

by William Bryk

The New York State Election Law's requirements for entering a primary are America's toughest. For example, a Democrat or Republican who wishes to run in his party's primary for state office must file a designating petition bearing the signatures of at least 20,000 voters of his party.

In reviewing the election laws of other states and nations, I found New York's signature requirements generally the highest and the rules for filing petitions most complicated. In conversations over the last three years with election personnel in other states, I found they had never heard of any court case in their states seeking a candidate's removal for not meeting minor or technical election law requirements.

For too many New York candidates now spend more time in the courtroom defending their place on the ballot than on the street campaigning. Now, ordinary citizens are dragged in to testify as witnesses in petition cases. In the controversy over Abraham Hirschfeld's designating petitions for Lieutenant Governor, nearly two dozen ordinary working New Yorkers were summoned to an Albany court house. They each lost a day's pay and endured considerable inconvenience because the Election Law permits legal actions to remove candidates from the ballot.

There are more rational ways to determine who will be on the ballot. Of the 17 states which, like New York, use petitioning as the sole means of qualifying a candidate, most require fewer signatures than New York. For example, a candidate for Governor of Massachusetts must file 10,000 signatures; Illinois, 5,000; Vermont, 500. For Congress, New York requires 1,250. Wisconsin requires 1,000; New Jersey, 200; Hawaii, 75. New York requires a candidate for Assembly to gather 500 signatures. Wisconsin requires 400. New Jersey, 100; Iowa, 50; and New Hampshire, 5. Tennessee requires 25 signatures for any Federal or State office. Kentucky requires only two.

Only Illinois requires nearly as much information about a petition's signer as New York does. No other state requires as much detailed, repetitive information as a petition's cover sheet.

The Association of the Bar of the City of New York's recommendations for election law reform, particularly its call for requiring fewer signatures and substantial rather than exact compliance with the Election Law, would bring New York's statutes in line with those of most states using petitions to designate primary candidates.

Yet, given our election lawyers' wise, such reforms will not eradicate the bane of New York's experience with petitioning: the uncertainty of a candidate's place on the ballot.

Nearly half the states use a simpler system in which a primary candidate merely files a declaration of candidacy and posts a bond, generally either a fixed amount or one percent of the annual salary of the office he is seeking.

For example, Oklahoma requires a $1,500 fee to run for statewide office; Louisiana, $300; Minnesota, Missouri, $100. Lesser offices require smaller bonds. New Hampshire, for example, requires a candidate for State Representative to post a bond of two dollars with his statement of candidacy.

In other nations, ballot access is astonishingly easy. France, Great Britain, Ireland, and Japan permit a candidate to be on the ballot by filing a declaration of candidacy (the British also require eight signatures on a petition) and posting a nominal bond. The money is returned if the candidate fails to win a percentage of the vote, ranging from five percent in France to 12½ percent in Great Britain.

The State of Israel requires a slate of 120 candidates for the Knesset to qualify for the ballot by filing a petition bearing 750 signatures and posting a bond of 5,000 Israeli pounds. By contrast, a single candidate for the New York State Senate must file at least 1,000 signatures to secure a place on the primary ballot.

One argument against liberalizing ballot access is that the present requirements discourage frivolous candidates. But the present rules knock out the serious ones, too. Two incumbent Brooklyn Assemblymen have been forced out of the Democratic primary. Technical foulups would have eliminated the Nassau County Democratic ticket had its petitions been challenged. Further, who can infallibly judge someone's frivolity? The first candidates to advocate slavery's abolition were considered frivolous when then were not thought subversive. The best judges of a candidate's seriousness as of his other qualifications are, voters.

Others argue the voters may be confused by a multitude of candidates. Yet experience shows that this belief has little basis in fact.

Professor Cortez Ewing, in a study of primaries in Southern states using the filing fee system and dominated by the Democratic party, found that over the period of his study 8,247 candidates contested a possible 3,472 elections, an average of 2.4 candidates per election. Of course, highly visible offices, such as Governor or United States Senator, attracted more candidates. Only 2.5 percent of all gubernatorial and 8.4 percent of the lesser statewide offices, such as Lieutenant Governor, Comptroller, and Attorney General, were uncontested, as were 35 percent of all State legislative, 40 percent of all Congressional, and 59 percent of all judicial primaries.

Professor Ewing found that contested primaries had relatively few candidates. Eighty-nine percent of all contested primaries had three or fewer candidates. I found that this apparently holds true today. In analysing the 1982 Democratic primaries in Oklahoma, a filing fee system state, I found only one Congressional primary among six seats. Of 99 seats in the State House of Representatives, only 40 were contested, or 40.4 percent (63.5 percent) had only two candidates; seven (17.5 percent) had three candidates; six (15 percent) had four candidates; and the other contests had five candidates each.

Finally, some argue the filing fee system discriminates against the poor. Yet see p.7
REGISTRATION MUST BE RECEIVED BY 12/1/86

The Pieper Course Includes:
☆ Complete lecture series
☆ Essay writing
☆ Multistate Practice and Exam
☆ Multistate Professional Responsibility Exam (MPRE)
☆ Multistate Volume
☆ New York Law Volume
☆ Professional Responsibility Volume
☆ Plus — John Pieper’s In-Class Guidance

Law student’s discount of $125 will be deducted from the cost of $895 for any student still in law school who registers for the Pieper New York Multistate Bar Review Course by December 1, 1986.

For more information see your Pieper Representatives or contact:

PIEPER NEW YORK-MULTISTATE BAR REVIEW, LTD.
90 WILLIS AVENUE, MINEOLA, NEW YORK 11501
Telephone: (516) 747-4311
The Bar Course That Cares.

PIEPER REPS
1987
TIMOTHY COLEMAN
ELIZABETH GITLIN
RANDI LOWITT
HOWARD MANDELL

1988
RICHARD DEVITA
MICHAEL HELMER
LAWRENCE KEANE
MY TRANSPORTATION

Robert Glickman

For this, my first newspaper article, I will address my principal mode of transportation, the subway. Welcome to my perspective.

I trust you are acquainted with the subway. It goes under and above the ground. It's a train. It is the reason for all the graffitings on the sidewalks of our fair city. It was built a long time ago.

The subway is an interesting example of a good idea turned bad. It's something like the deficit; it is larger than we imagine and increasingly more difficult to manage. It's messy, loud, inefficient, intrusive, and inhospitable. I wouldn't want to live there. Many disagree.

The subway can frequently be an unsafe place. Last month, a Russian diplomat was found dead in the subway. It seems the FBI had asked his friend to be his friend and give him things as a friend. This time the FBI asked his friend to give him something special, something classified, something dangerous. As soon as this friend gave this thing, this classified thing, the FBI asked for this thing back and arrested this Russian diplomat (who, by the way, works at that place by the water on 42nd Street that we Americans pay for).

Now you might ask, "Why does this make the subway dangerous?" It's dangerous because the Russians found out about the subway set-up, and the KGB decided that they wouldn't be outed by obvious set-ups of foreign nationals. So they acted equivalently, and a month-long international face-off ensued, all due to the subway. It can be a dangerous place.

The irony in this series of events is that there is a lot in common between the Soviet Union and the New York City subway system. They're both run like a shoe factory in Minsk.

The subway population is made up of an interesting group of New Yorkers. Sediment always sinks to the bottom. There are mental patients released with only a token, guardian angels, victims of gentrification, religious nuts (beggars, healers and proselytizers), uptight underworked alienated young people, deaf people selling guides to sign language, blind people selling pencils, beggars begging (for their dog's operation, kids, service in Viet Nam, etc.).

I think it's the air in the subway that attracts these people. Actually, I think clean air is an important element to health and sanity. The worse we pollute our air the worse the response to increased urbanization and spatial density.

Let's think about this. Should we restrict cars into Manhattan, construct elevated bicycle and jogging lanes, bring back electric trolleybuses and dispense with horrible gas-guzzling buses, or eliminate cruising taxis? Force everyone to ride the subway, what do you think?

We've seen some improvement in the subway environment in the last few years in one regard. There is a notice a lack of discarded bottles and cans. For this we can thank the bottle bill. We might make other objects refundable to facilitate their collection and removal. How about putting a deposit on newspapers, bag ladies, insane people or just about any societally defined eyesore? Well, just a thought.

There's plenty of room for improvement, but we need fresh ideas. For instance, the rights to the last car could be sold for rush hour trips so that a private concessionaire could sell drinks, provide more comfortable seating, sell advanced seating, provide a smoking car every fourth train, or any other commodity that people would pay more for. The subway could help itself by providing operators and making frequent announcements concerning actual schedules.

There are many consequences of the subway. Underground parking lots could be instituted, and the buses could be shut down at night. Restrooms could be made available for normal people in need of such a facility, rather than for the most bizarre denizens of the underground.

I just think that if our city is to be a decent place with which to move about, the underground has got to be as important as the aboveground. We may soon be so lucky as to never be required to descend the depths. There is no excuse for allowing an important element of our environment to iritate those who do descend.

I end this diatribe with an unrelated thought addressed to freshmen: Law will allow you many opportunities for greed and self-aggrandizement, but always remember this: take them and you stand a good chance of ending up looking like either Frank Sinatra or Roy Cohn.
The ineffectiveness of the SBA over the past few years amply demonstrates the need for greater organization within the student body. The Advocate has made no secret of its belief in the community of Fordham, but to realize the aspirations we all possess, we must work together and not secretly and apart.

This year's budget process is an example of this need. Over the summer break, the university instituted a new budget policy whereby the university maintains an agency account containing student funds collected through the student activities fee. The merits of this system are debatable. That's just the point. Prior to implementation, the merits should have been debated. Although our SBA officers knew of this system they failed to apprise organizational officers of the proposed system. This is not meant as an attack on the SBA or any individual associated with it. We do, however, wish to point out the need for a set of guidelines by which the administration, SBA and students may interact.

Another problem is the secretiveness of the budget hearings. An Advocate reporter was barred from the proceedings. The wisdom of this policy is also debatable, but it hasn't been debated. And this is a weakness at Fordham. Those policies that most directly affect students should not be left to the caprices of a handful of elected officials. Rather, all interested parties should come together as soon as possible to resolve this issue by framing and adopting a new and comprehensive constitution designed to realize the potential of this academic community.

We hope that the SBA and all students will join with us to create an efficient and effective student organization. Let your SBA representatives know how you feel about adopting an SBA constitution.

Mr. O'Rourke is currently the county executive of Westchester County. Mr. Dillon is currently the District Attorney of Nassau County. They are opposing Governor Mario M. Cuomo of New York. Mr. Lucas is currently the county executive of Wayne County in Michigan. He is opposing the incumbent, Governor James Blanchard.

None of their remaining 57 classmates are known to be political candidates at this time.
SBA MYSTERY

Scott E. Cherone

Most people love a good mystery. Nothing can surpass those old-time, black and white “thillers” where there are strange goings-on in a fog-shrouded marsh or a dank, candle-lit castle. Every scene seems to keep you at the edge of your seat.

Well, everyone, those wonderful days are back right here at Fordham Law School. Substitute Lincoln Center’s noise-filled plaza for the foggy marsh and our very own “too warm in the summer/too cool in the winter” law school for the creepy castle and we have got a mystery on par with the best of the Basil Rathbone—“Sherlock Holmes” movies. We could title it, “The Case of the Missing SBA Constitution.”

What began as a simple interest in the Student Body Association’s powers structure surprisingly devolved into a long and unsuccessful search for the “How to Run the Student Government” book, namely, the SBA Constitution.

Most people would naturally assume that such a “creature” (please, no comments) as the SBA would rely quite frequently, if not daily, on its Constitution as its guiding light. After all, the Federal and fifty states’ governments rely on their constitutions at least that is what we are told in our ConLaw class. Then, again, this is Fordham Law, and as the old saying goes—“When you ASSUME, you make . . .” (you know the rest).

The search for the SBA Constitution began innocently enough, as is the case in most classic mystery stories. I was interested in learning about the structure of the SBA—the powers of the executive officers, the role of the class officers, and the powers, if any, which the student organizations have in the SBA decision-making processes.

As a fourth-year evening student (for you law school neophytes, we’re the students who never seem to carry books and who saunter the halls), I had seen several SBA administrations operate in varying degrees of efficiency (AND inefficiency).

However, as a “typical” Fordham law student, I never expected too much from the SBA. So, I was never too surprised or disappointed when the highlight of each year’s SBA achievements was the Spring semester’s “TANG.” Again, to you neophytes, the TANG is an SBA-sponsored party throw (some would say that THE MONEY was “thrown”—out the window, so to speak) twice or thrice a year.

Never mind that the students had no viable elective-course evaluation program on which they could rely in selecting elective courses and professors. Never mind that Fordham’s Law Review members are still selected in pre-French Revolution, elitist (not to mention superficial) fashion. The SBA’s energies and funds were perpetually spent on the more important goal of enabling students to “put on a load off” even if it required them to “put on a load on” (to you teetotalers, that means “get stinkin’ drunk”). Quite a commentary for an organization which is supposed to make the school a better place to be.

With the idea of how to make the SBA a better organization, I concluded that the best place to start was to learn how the SBA is organized. Talking with SBA officers, I found that the only students who have voting powers are school officers and class officers and that the only time student organizations have any effect on SBA decisions is at “budget-request” time. As any student of Machiavellian politics knows, however, the terms, “voting powers” and “effect” are relative ones. That is, when the power to vote is limited to matters of minor importance, and the major decisions are left to arbitrary, unilateral determinations, then that power to vote is effectively meaningless. Similarly, input by school groups is meaningless when their voices are heard, but their words are ignored. This is the case when students organizations participation in school affairs is limited to the budgetary hearings even though their members have more at stake than students who are not involved in extracurricular activities.

In the interest of not prematurely concluding that the political processes were as bad as I (and many others) suspected, I sought to read the SBA Constitution. Unfortunately, while everyone at the SBA “knew” one existed and “saw” a copy of it “somewhere,” no one was able to provide me with one. Being a good law student and law students, by definition if not also by function, are supposed to be good “detectives”), I engaged in an exhaustive search for the Constitution which, incidentally, would have made Sherlock Holmes proud.

I first went to the law library to find out if it was in the card catalog, as would be any important school document. Zilch. Next stop was the Reference desk where the attendee thought I was kidding when I asked to see a copy of the Constitution. When she realized that I was quite serious, she told me that it was not “on reserve.”

Last stop was the school administration where I discovered one had been redrafted and implemented— IN THE 1950s! Unfortunately, no copies of it were to be found. (Even thought it MUST BE out-dated, it would be an improvement over what we presently have: Nothing.)

After trekking through the halls and library, after asking the “people in charge” as to its whereabouts, after spending countless hours looking for the elusive document; I was unable to uncover an SBA Constitution.

I have not given up, either trying to find a Constitution or, for that matter, trying to revamp the SBA’s political structure. What would Messrs. Holmes and Watson think of me if I did? I pledge that I will continue to search even if, as I have every indication that it might, my search begins to take on Inspector Clouseau-like dimensions.
But what about the real lawyers—the Clarence Darrow and Ralph Nader types who care about the quality of justice, the protection of consumers, the defense of underdogs? There is a great need—and indeed market—for more lawyers of this kind. They may never make the millions of dollars to which bankers and corporate lawyers aspire. but they can do good—and also do pretty well at the same time.

The good they can do is virtually unlimited. There are frontiers of the law that have barely been explored, and that certainly need all the legal talent they can attract. These include: the rights of the homeless, the handicapped and the illiterate; international human rights of dissidents; consumer and employee rights in relation to large corporations; access to medical care by the aged and infirm; and the rights of victims and witnesses.

Organized lawyers are often failing to study in these terms today. The lure of the big buck is too strong. How much more civilized it seems to sip cognac in the penthouse of a skyscraper discussing a merger, than to drink coffee out of paper cups in the basement of a rundown tenement planning a rent strike. How much more pleasant it must be to sit across the conference table from a corporate president than across the bars from a mugger.

But the legal profession has the responsibility to help those who most need it, not only those who can best afford it.

"How much justice can you afford?" reads the sign atop many a lawyer's desk.

When I began teaching my first-year criminal-law class, I hurl a challenge at the entering students. I remind them of the statistics that show that nearly all of them will end up representing the super-rich, and I dare them to defy the odds by devoting at least some of their professional lives to representing the needy. I shock them by predicting that more of them may end up criminal defendants than criminal lawyers. Many of them respond by sincerely insisting that they will work for the downtrodden. But every year the trend continues: More and more of our best and brightest sail off into the corporate horizon, leaving behind their roots and responsibilities.

Maybe this year will be different. Maybe more of the 40,000 new law students will understand that there is more to the noble profession of law than helping the super-rich get even richer. Maybe the organized bar will finally get around to recognizing its responsibility to the vast majority of our citizens. Maybe.

Copyright 1986, United Feature Syndicate, Inc.

EQUAL ACCESS TO JUSTICE

The Ripon Society, a national Republican research and policy organization, has released a study calling on American lawyers to assume more responsibility for providing legal services to the poor, elderly and handicapped.

The study, entitled "FEDERAL INVOLVEMENT IN LEGAL SERVICES FOR THE POOR: Encouraging Private Sector Fulfillment of a Public Responsibility," notes that increasing pressure on congress toward deficit-reduction threatens the ongoing federal funding of legal services for the poor. Even at the current level of funding, only one-third or one-fourth of the need is adequately met. If the goal of equal access to justice is to be reached, the burden must be shifted to the private bar.

The Ripon paper proposes several steps for achieving this goal: (1) the Federal Legal Services Corporation should begin now to mobilize law schools and bar associations, through planning and incentives, to steer a steady stream of law graduates into an initial term of service in legal aid societies; (2) federal incentives such as partial forgiveness on student loans for each year of low-paying service to the poor; (3) the nation's law schools should provide clinical training in legal service for the poor in the third year and cooperate with the bar in establishing field offices in poor areas; (4) the American legal profession, which earns over $3.3 billion a year, should be encouraged to contribute more of its time and resources toward equal access to justice.

The study faults the current legal services program for creating inflated expectations of equal access to justice, which it cannot provide at the current spending level of $305 million per year. An adequate program, the paper estimates, would cost the taxpayers well over one billion dollars per year. A new national program of legal services for the poor should be designed which does not mislead the public into the belief that the federal government alone can solve the problem.

The Ripon paper notes that technical advances, such as computer-assisted data transmission and law office computer systems, should make it easier for private legal specialists in other fields to gain access to the necessary information to participate in voluntary legal work for the poor. The Federal Legal Services Corporation, in cooperation with the nation's law schools, should work together in constructing a network of computerized brief banks on poverty law.

Despite the acrimonious controversy that has surrounded the federal program recently, the paper states that "there may never be a better time to direct the Legal Services Corporation toward the high purpose for which it was founded, and in so doing to renew the faith of the American people in the legal profession."

For a copy of the study send $2.50 to: Ripon Educational Fund, Inc. 2027 Ques Street, N.W. Washington, D.C. 20009

YOURS, Etc.

LEGAL SECRETARIAL SERVICES

(212) 655-4653

- BRIEFS
- MEMORANDA
- ARTICLES

Pick up and delivery

OVER 5,000 NEW LAWYERS

By Alan Dershowitz

As 40,000 new law students begin their educations, the question is again being raised: What does the future hold for the American legal profession? What will be the fate of the most overlawered country in history? There are nearly 700,000 practicing lawyers in a population of 237 million—a ratio of one for every 339 citizens. At the current rate of growth, we may have a million lawyers before the end of the century.

Despite these numbers, most people who need an attorney can't get one. In that sense, we have too few lawyers—or at least too few who are willing to represent those clients who cannot pay megabuck fees. The vast majority of private lawyers' time is devoted to helping a small minority of wealthy people preserve or enhance their wealth. Working-class Americans—not to mention the poor—simply can't afford the three-figure hourly fees that many lawyers now charge. And so these citizens often fail to take advantage of their rights.

The upshot is that they lose material benefits to which they are entitled—and worse.

The most striking example of the failure of the bar to service public needs can be seen on the death rows of several of our states. It may be hard to believe, but nearly one-third of the more than 1,600 inmates currently awaiting execution do not have access to one of our 700,000 practicing lawyers.

Each of them did, of course, have a lawyer—not always one of the highest quality—during the trial itself and on the first appeal. But many states refuse to pay for a lawyer to continue representing the condemned inmate after this. And many penalty cases are won only afterward—on the basis of habeas corpus or on review by the Supreme Court. Without the assistance of a lawyer, the death-row inmate has no real access to the courts as he confronts the law's most extreme penalty. This is a scandal: it is as if all the medical doctors in America were performing elective cosmetic surgery while the emergency wards of our hospitals had no doctors.

Now we are seeing many of our most talented young lawyers getting out of law altogether. Realizing that the practice of corporate law is just another business, they are looking to the bottom line, which says that there is more money to be made in investment banking.
LYING DETECTORS

By Stephen R. Dujack

It has long been believed that there can be objective measures of innocence or guilt, veracity or deceit. In the Middle Ages there was trial by ordeal. In ancient China, miscreants were forced to chew rice, and if their mouths were dry after an hour they were considered guilty. Today we have the polygraph.

The idea that a physiological response—blood pressure, in this case—could be used to test for truthfulness was first advanced in 1895 by the Italian criminologist and phrenologist Cesare Lombroso. In the 1930s, William Mouton Marston added measurements of respiration and perspiration and called his machine the polygraph. The U.S. Court of Appeals found no scientific evidence supporting Marston’s claims for the device, and he was driven out of the profession he founded. Marston went on to create the comic book character Wonder Woman.

The federal court system still refuses to enter into evidence test results from Marston’s wonder machine, but nearly half of the state courts permit polygraph test under some circumstances, and its use is on the rise among private employers and in the federal government. Desperate to do something about the steady flow of classified information to the press and beyond our borders, the Reagan administration embraced the polygraph as a technological watchdog over the government’s vital secrets. And private employers, facing billions of dollars’ worth of losses from employee theft and other misconduct, order perhaps as many as one million tests a year.

In the business world, the popularity of the polygraph is widespread. Americans will be refused employment or fired for failing a test that misidentifies truthful persons as liars perhaps as much as half the time. In the public sector, where several agencies are relying more and more on the polygraph test to combat espionage, it means trying to ensure our national security with an electronic Maginot Line.

Ancient China, miscreants were forced to chew rice; afterward, they were forced to respond—blood pressure, in this case—to questions about criminal activity of which they are not even suspect. The specter of government thought police has brought down the wrath of conservatives from William Safire to Jean Kirkpatrick. Still, matters of civil liberties are debatable. The scientific validity of the polygraph is not, according to a 1983 report by the Office of Technology Assessment, there are “no field studies on the validity of polygraph testing for pre-employment screening or periodic screening—exactly the kind of testing the government does, and hopes to expand. OTA researchers have found no evidence to provide data on its use in another application—focused investigations of actual incidents—all had from 50.6 to 98.6 percent, and truth detection from 12.3 to 94.1 percent. In other words, note Dr. David Lykken, a psychiatrist at the University of Minnesota, the polygraph is only slightly better at detecting lies than a coin flip.

The OTA report confirmed what many researchers have found. John McClellan, now an associate dean at Georgetown University Medical School, wrote a report critical of the polygraph while he was an acting assistant secretary of defense three years ago. "There is no physiological response unique to lie," he warns. Lykken keeps a log of people falsely implicated in wrongdoing by polygraph tests. A Los Angeles cashier was fired after a polygraph exam revealed he had given his mother a discount at the register; he was later able to show that his mother had died five years earlier. An Ohio man was imprisoned for murder of a friend in 1978 after failing a polygraph test; he was released when police caught the real killers. In an amusing segment on “50 Minutes” last spring, three polygraph firms implicated three separate employees of a CBS-owned company for stealing a camera, despite the fact that no camera had been taken.

Polygraph proponents usually claim that innacurate results point to inadequate training or improper technique, not to the machine’s inherent flaws. Standards are observed, they say. Testers in private industry can be certified with even less training than those in the government or, in many states, none at all. The graduates of the government’s polygraph training school at Fort McClellan only take a 14-week course followed by 10 weeks of practice—less training than most busineses receive.

Advocates of the polygraph, especially within the government, rely on substantial anecdotal evidence to support their case. Thousands of job applicants at the National Security Agency, for instance, when screened by agency polygraphers, have confessed to crimes. All of them had cleared the agency’s traditional background checks. This has become a favorite Reagan anecdote. What the president doesn’t say is that they were not caught by the machine but confessed because they mistakenly thought it works. The NSA experts believe that the KGB and perhaps other foreign intelligence services train their moles in deceiving the machine.

The biggest problem with polygraph screening, however, is not with its accuracy in detecting spies or other criminals, but with the large number of innocents who become wrongly accused. A recent study by Beary and two other physicians cited in the June issue of Discover magazine suggest that the likely result of 10,000 federal employment tests in which there is no real spy, would produce a pool of more than 3,500 potential spies—and a significant chance that the real spy had escaped detection. What would the government do with those 3,500 workers? Fire them all? Investigate them all? The polygraph, as on most questions, provides no useful answers.


ELECTIONS

from p.1

what system could more effectively discriminate, not only against the poor but the average citizen, than New York’s, which virtually predisposes a candidate’s access to expensive legal talent? Ballot access by filing fee has been altered—no longer abolished—by judicial action when, as in West Virginia Libertarian Party v. Machin, 270 S.E.2d 634 (1980), a state law provided no other means, whether by petition or affidavit of indigence, for “impoverished candidates to obtain access to the ballot.” In such cases, the filing fee requirements have been held unconstitutional only as to the poor.

Given the expense of defending a petition against legal challenge, the apparent technical difficulty of compliance with the Election Law, and our grossly overburdened courts, I suggest our state’s system of ballot access is effectively anti-democratic.

Article Six of the Election Law should be amended to permit a candidate to enter his party’s primary by filing a statement of candidacy and posting a bond of one percent of the annual salary of the office he seeks or ten dollars, whichever is greater.

These statements of candidacy should be on standard forms available from the State and local boards of elections. It should provide spaces for the candidate’s name and address and for the title of the office he seeks, and affixations that he is legally and constitutionally eligible for that office and a member of the party whose nomination he pursues.

Similar certificates should be devised for candidates for party offices such as district leader or state committee member and those candidates enrolled in one party who enter another party’s primary.

The only ground for removing a candidate from the ballot under such a system would be his legal or constitutional illegiti­

VOTE NOV. 4TH NAPL

from p.6

NAPL was formed to help students organize new income sharing programs, expand the funding base of existing programs and encourage greater support among other segments of the legal community. Nancy Krop, President of NAPL’s Board and a student at U.C. Davis, predicts, “By increasing the number, size, and visibility of income sharing groups, NAPL should spur many future lawyers to fulfill their ethical duty to serve the public interest. The end result will be a dramatic increase in funding for public interest law and a more equitable legal system.”

On October 17-19, NAPL will be hosting a conference in Washington, DC for law students leading income sharing programs and those interested in public interest practice. The conference is expected to draw students from nearly one-fourth of the nation’s law schools, as well as national leaders from the public interest legal community who will address the students. Paul Cauley-Feagan noted that, “For the law schools where income sharing groups don’t yet exist, or we just get started, the conference will provide the know-how to organize a group and keep it going. For the schools where income sharing has had a long and successful history, the conference will address more complex projects such as alleviation of the debt burden of graduates in public interest practice, reform of law school placement practices, and improved fundraising from alumnae and the organized bar.”

Individuals interested in additional information on the conference or income sharing should contact:

NAPL
215 Pennsylvania Avenue, SE
Washington, DC 20003
or call (202)354-9707

November, 1986 • THE ADVOCATE • Page 7
BAR/BRI
STUDENTS
PASS
THE
BAR

Jeff Gold     Theresa Gleason     Marc Futterweit     Sari Alter
Mary Fitzgerald     Bob Anderson     Glenn Kerner     John Hart
Rich Hayes     Rich Fogel     Connie Alexander     Stu Weintraub
Rose Gill     Stacie Young     Jim Kelly     Kathy Albanese
James Resila     Regina Faul     Laurie Gatto     Kathleen Krauter

401 Seventh Avenue, Suite 62
New York, N.Y. 10001 (212) 594-3696
(516) 542-1030   (914) 684-0807

New York's Number One Bar Review.